

United States District Court

for

Middle District of Alabama

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Nicholis C. Hall

Case Number: 2:07cr42-TFM

Name of Sentencing Judicial Officer: The Honorable Terry F. Moorner, U. S. Magistrate Judge

Date of Original Sentence: September 4, 2007

Original Offense: Theft of Government Property

Original Sentence: 2 days custody with credit for time served followed by a one (1) year term of supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: September 4, 2007

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CAUSE

On March 20, 2008, Hall submitted a urine sample during a home contact that tested presumptive positive for the use of marijuana. Hall verbally acknowledged and signed a statement admitting to smoking marijuana at a party on or about March 12, 2008. To address this violation, Hall was issued a strong verbal reprimand for violating the conditions of supervised release. He was also placed on the U.S. Probation Office color-code phase drug testing program.

This officer recommends that Hall's conditions of supervised release be modified ordering him to notify any third parties of risk that may be occasioned by the defendant's criminal record or personal history or characteristics and permit the probation officer to make such notification. Hall is presently employed with the Renaissance Montgomery Hotel and Spa at the Convention Center as a loss prevention officer, which could be deemed a third party risk due to the defendant's criminal history and recent drug use. It should also be noted that this condition did not appear on his judgment as a standard condition of supervision (generally number 13). Hall has agreed to this modification by signing the attached Probation Form 49, waiver of hearing to modify conditions of supervised release.

It is further recommended that Your Honor remove the requirement for DNA testing since Hall's conviction is a misdemeanor offense.

Respectfully submitted,

by /s/ James Chappell
U.S. Probation Officer
Date: March 25, 2008

Reviewed and approved: /s/ David Ron Thweatt
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☐ The Modification of Conditions as Noted Above and the Removal of the Condition Requiring DNA Testing.
- ☐ Other

Signature of Judicial Officer

Date

PROB 49

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA

vs.

NICHOLIS C. HALL

)
)
)
)


DOCKET NO.2:07cr42-TFM

**WAIVER OF HEARING TO MODIFY CONDITIONS OF
PROBATION/SUPERVISED RELEASE**

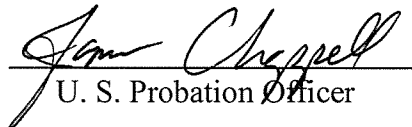
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.


Nicholis C. Hall

Witness:


U. S. Probation Officer

3-25-08
Date